

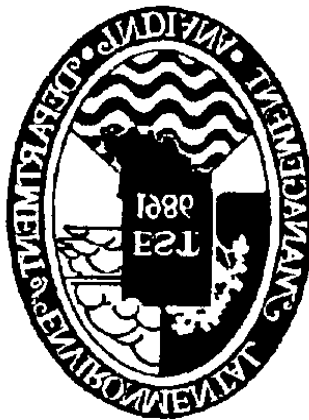
APPENDIX F.1

IDEM 401 WQC Permit Application Package



Indiana Department of Environmental Management Section 401 Water Quality Certification Program

Application Form and Instructions for Section 401 Water Quality Certification



Revised October 27, 1997

Dear Section 401 Water Quality Certification Applicants:

Thank you for doing your part to ensure that we are all good stewards of Indiana's lakes, rivers, streams, and wetlands. We at the Indiana Department of Environmental Management (IDEM) are committed to protecting the integrity of our State's precious aquatic resources.

Section 404 of the Clean Water Act (CWA) requires anyone wishing to discharge dredged or fill material into a water of the United States to first receive a permit from the U.S. Army Corps of Engineers (Corps). Before the Corps can issue a permit, however, Section 401 of the CWA requires the applicant to obtain a Water Quality Certification (or waiver) for the project from the State in which the project is located.

IDEM's goal is to preserve, protect, and enhance the quality of Indiana's aquatic resources. We want to work with you to find sound ecological solutions that meet your project needs. We have developed an application packet that sets forth the information we need from you to make a decision regarding your project. We believe it is relatively simple to complete.

Please contact us with any questions or concerns you may have. You can reach us at 317-232-8683 or you may reach us through the IDEM Environmental Helpline at 1-800-451-6027. Thank you again for doing your part to ensure that Indiana's aquatic resources are protected for future generations of Hoosiers.

Sincerely,

Matthew C. Rueff
Assistant Commissioner
Office of Water Management

FREQUENTLY ASKED QUESTIONS REGARDING WATER QUALITY CERTIFICATION (WQC)

1. Who needs a WQC?

Any applicant for a federal license or permit to conduct any activity that may result in a discharge into waters of the United States must first obtain a WQC (or waiver) from the state. In general, anyone who is required to obtain a permit from the U.S. Army Corps of Engineers to engage in dredging, excavation or filling activities must obtain a WQC.

2. What is a water of the United States?

Very few waterbodies are not waters of the United States. Waters of the United States include: waters that are or have been used to transport commerce and their tributaries; all interstate waters; and all intrastate waters the use, degradation or destruction of which could affect commerce. This generally includes lakes, rivers, streams, creeks, drainage ditches and wetlands. The Corps can tell you whether the particular waterbody you plan on impacting is a water of the United States.

3. What type of project may require a WQC and Corps permit?

The Corps has the authority to decide which projects require a permit and whether they will qualify for a Nationwide Permit, General Permit, or Individual Permit. The addresses and telephone numbers for the two Corps Districts that have jurisdiction in Indiana are included at the back of this packet. The following are examples of projects that would likely require a Corps permit and WQC: dredging a lake, river, stream, or wetland; filling a lake, river, stream, or wetland; bank stabilization; pond construction in wetlands; and roadway/bridge construction projects involving water crossings.

4. If my project qualifies for a Nationwide Permit from the Corps, do I still need a WQC?

IDEM has given a blanket WQC for some, but not all, of the Nationwide Permits (NWP) established by the Corps. If IDEM has not given a blanket WQC for the particular NWP the Corps has authorized you to work under, then an individual WQC from IDEM will be necessary. The Corps will inform you if your project needs an individual WQC. You may also request a list of the NWPs for which IDEM has granted blanket certification and NWPs that IDEM has certified with special conditions.

5. How long will it take me to obtain a WQC?

If IDEM receives all the necessary information, then IDEM can usually make a decision on your application within sixty days of receiving it. However, the Clean Water Act authorizes IDEM to take up to a year to make a decision on your application.

6. Is there an application fee for obtaining a WQC?

Currently, there are no fees required for applying for a WQC.

Instructions for Completing the Application for Water Quality Certification

* The numbers below correspond to the numbers on the application form

* If you have questions, please call IDEM's Water Quality Certification Program at
1-800-451-6027 or 317-232-8683

* Print clearly or type

* Attach additional 8 1/2 x 11" sheets if necessary

1. Provide the applicant's name, address, and telephone number.
2. Provide the agent's address and telephone information (an agent is anyone representing the applicant on the project, such as an attorney or consultant). Applicants are not required to have an agent.
3. Provide specific project information relating to the location and the proposed project.
4. Give a narrative description of the proposed project.
5. Describe the purpose of the project (i.e., why the project is being proposed).
6. Provide the proposed or actual start date and the anticipated completion date. If you have started your project before obtaining a permit and WQC, you may be in violation of federal and state law.
7. Describe possible alternatives to the proposed project that would avoid impacts to the aquatic resource; also describe ways to minimize impacts, including a description of how you plan on containing any dredged/excavated material to prevent reentry into waterways or wetland. If you can avoid impacts to the aquatic resource, you may be able to avoid the requirement to obtain a WQC. Alternatives may include: construction on the upland portions of the property; rerouting a roadway to avoid a wetland; or alternate design plans. Minimization of the impacts may decrease any mitigation requirements that might otherwise apply and increase the chances of receiving WQC. Minimization may include reduction of the amount of dredging, filling, or vegetative clearing.
8. If you are proposing to dredge, identify any pollutants that may be present in the sediment. IDEM will contact you if further information is needed.

9. Some aquatic resources may contain or be utilized by unique aquatic life (such as mussels) or threatened or endangered species. Please identify any such species.
10. Describe the type, composition, and quantity of fill material to be placed in the wetlands or other aquatic resources.
11. Provide information regarding your application to the U.S. Army Corps of Engineers. If you have not contacted the Corps of Engineers, please call the Louisville Corps District at 502/582-5607 or the Detroit Corps District at 313/226-6828. Please consult the map on the next page to determine which district your project is located in.
12. Provide information regarding any other federal, state, or local permits, variances, licenses, or certifications required for your project. Please indicate whether they were approved, denied, or are pending.
13. Provide the information specified on page 3 of the application (list of adjacent landowners and affected persons, drawings, photos, mitigation plan and map). Submit a copy of the wetland delineation and data sheets (done in accordance with the Corps' regulations) if the Corps' regulations require a delineation for the project. If a delineation is not required by the Corps, then the applicant may instead submit a drawing to scale showing the location and extent of the wetland.
14. The applicant must sign and date the application.
15. IDEM may need additional information from you, including an antidegradation demonstration. IDEM will contact you if we determine that is necessary.

For more information about WQC, contact IDEM at the address below. Please contact the Indiana Department of Natural Resources or respective Corps District at the proper address below for questions regarding their programs.

IDEM - Office of Water Management
Section 401 Water Quality Certification Program
P.O. Box 6015
IGCN Room 1255
Indianapolis, IN 46206-6015
1-800-451-6027 or 317-232-8683

US Army Corps of Engineers
Detroit District
P.O. Box 1027
Detroit, MI 48231-1027
313-226-2218

Indiana Department of Natural Resources
Division of Water
402 W. Washington Street, Room W200
Indianapolis, IN 46204
317-232-4161

US Army Corps of Engineers
Louisville District
P.O. Box 59
Louisville, KY 40201-0059
502-582-5607

Application for Water Quality Certification

Address all applications or questions to:

Indiana Department of Environmental Management
Section 401 Water Quality Certification Program
100 North Senate Avenue P.O. Box 6015 Indianapolis, Indiana 46206-6015
1-800-451-6027 or 317-232-8683

PLEASE PULL OUT APPLICATION FROM PACKET

Failure to provide the information requested in this application may result in a delay of processing or denial of your application.

For office use only
Project Manager:
Date Received:
IDEM I.D. Number:
County:

1. APPLICANT INFORMATION			
Name of Applicant			Mailing Address (Street , P.O. Box or Rural Route)
City	State	Zip	
Daytime Telephone Number			Fax Number

2. AGENT INFORMATION			
Name of Agent			Mailing Address (Street, P.O. Box or Rural Route)
City	State	Zip	
Daytime Telephone Number			Fax Number

3. PROJECT INFORMATION	
County project is located in	Nearest Town
Project Name or Title (if applicable)	Project Street Address
Type of aquatic resource to be impacted	Name of waterbody
Linear feet of bank/shoreline impact (if applicable)	Acreage of wetland proposed to be impacted (if applicable)
Acreage of wetlands on site	Cowardin Classification (if known)

4. Describe proposed project:

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5. Purpose of the project:

6. Date project will begin if permit is issued: _____ **If work has been started, date it was started:** _____

Anticipated completion date: _____

7. Describe possible alternatives to the proposed project to avoid or minimize impacts to the aquatic resource. Also describe where and how you plan on putting and containing the dredged/excavated material (if any) to prevent reentry into the aquatic resource.

8. Do you expect to dredge any sediments that you know, or have reason to believe, are contaminated with pollutants?
____ Yes ____ No Please identify the pollutants that may be present in the sediment.

9. Are you aware of any unique resources (e.g., mussels) or threatened or endangered (state or federal) species present in the aquatic resource you are proposing to impact? ____ Yes ____ No Please identify.

10. If fill is to be placed, describe the type, composition and quantity:

11. Have you applied for an Army Corps of Engineers Section 404 permit? ____ Yes ____ No If yes, please supply the Corps of Engineers ID Number, the Corps of Engineers District, the project manager, and a copy of any correspondence with the Corps. If no, please contact the Army Corps of Engineers regarding the possible need for a permit application. (See instructions 11.)

12. Have you applied for, received, or been denied any other federal, state, or local permits, variances, licenses, or certifications for this project? Please give the permit name, agency from which it was obtained, permit number, and date of issuance or denial.

13. Please attach the following information:

- ____ A. List of adjacent landowners and persons who may be adversely affected by the project (Attachment A).
- ____ B. A standard size drawing (8.5"x11") of the proposed activity showing an overhead view and cross section that clearly illustrate the scale, north arrow, **wetland delineation** (and data sheets if required by the Corps -- see instructions), erosion control devices, existing and proposed structures and their dimensions, water depths and bottom configurations (if applicable), existing and proposed waterway configurations and elevations, dredge cuts and fills, and ordinary high water mark.
- ____ C. Photographs of the proposed project site; label the photos and identify the location(s) where the photographs were taken on the drawing.
- ____ D. If proposed, a mitigation plan to minimize impacts to water quality including the restoration or creation of wetlands to replace the wetlands that will be lost as a result of the proposed project.
- ____ E. Directions to the project location and a copy of a vicinity map and/or a copy of the portion of the U.S.G.S. 7.5 minute topographic map clearly showing the project location.

I hereby request a Water Quality Certification to authorize the activities described in this application. I certify that I am familiar with the information contained in this application and to the best of my knowledge and belief, such information is true and accurate. I certify that I have the authority to undertake and will undertake the activities as described in this application. I am aware that there are penalties for submitting false information. I understand that any changes in project design subsequent to IDEM's granting of WQC are not covered by the WQC, and I may be subject to civil and criminal penalties for proceeding without proper authorization. I agree to allow representatives of the IDEM to enter and inspect the project site. I understand that the granting of other permits by local, state, or federal agencies does not release me from the requirement of obtaining the WQC requested herein before commencing the project.

Applicant's Signature: _____ Date: _____

ATTACHMENT A

Please be sure to include this attachment with your application. Failure to include it may result in a delay of processing or denial of your application.

Adjacent landowners and other persons (or entities) who may be affected by your project need to be notified of your project. Please list the names and addresses of landowners adjacent to the property on which your project is located and the names and addresses of other persons (or entities) potentially affected by your project. Attach additional sheets if needed.

Name: Address:
Name: Address:
Name: Address:
Name: Address:
Name: Address:
Name: Address:
Name: Address:
Name: Address:
Name: Address:
Name: Address:
Name: Address:

Please provide the names and telephone numbers of the two largest newspapers of general circulation in the project area.

Newspaper name: Telephone number:
Newspaper name: Telephone number:

**Indiana Department of Environmental Management
Section 401 Water Quality Certification Program
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015**